

1006 Rec'd PCT/PTO 14 SEP 2005

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

H01.2-12068

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

107549841

INTERNATIONAL APPLICATION NO.

PCT/EP2004/002005

INTERNATIONAL FILING DATE

28 February 2004

PRIORITY DATE CLAIMED

14 March 2003

TITLE OF INVENTION

HAT PART FROM PLASTIC MATERIAL

APPLICANT(S) FOR DO/EO/US

Burmester

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). *Amend claims 1-11 - Translation*

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/549841		INTERNATIONAL APPLICATION NO. PCT/EP2004/002005		ATTORNEY'S DOCKET NUMBER H01.2-12068 US01									
20. Other items or information: CONSTRUCTIVE PETITION													
The following fees have been submitted				CALCULATIONS PTO USE ONLY									
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300⁰⁰									
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200⁰⁰									
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0													
All other situations..... \$200													
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 500⁰⁰									
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0													
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100													
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400													
All other situations..... \$500				\$ 1000.00									
TOTAL OF 21, 22 and 23 =													
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Total Sheets</td> <td style="width:15%;">Extra Sheets</td> <td style="width:40%;">Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td style="width:30%;">RATE</td> </tr> <tr> <td>58 - 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> </tr> </table>						Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	58 - 100 =	/50 =		x \$250
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE										
58 - 100 =	/50 =		x \$250										
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).													
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	\$								
Total claims		11 - 20 =		x \$ 50	\$								
Independent claims		- 3 =		x \$200	\$								
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$								
TOTAL OF ABOVE CALCULATIONS =				\$ 1000.00									
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.													
SUBTOTAL =				\$ 500.00									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$									
TOTAL NATIONAL FEE =				\$									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$									
TOTAL FEES ENCLOSED =				\$ 500.00									
				Amount to be refunded: \$									
				Amount to be charged \$									

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- a. ☒ A check in the amount of \$ 500 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



 SIGNATURE

RICHARD A. ARRETT

 NAME

33153

 REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Burmester
Application No.:	Not Assigned
Filed:	Not Assigned
For:	HAT PART FROM PLASTIC MATERIAL
Group Art Unit:	Not Assigned

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: H01.2I-12068-US01

**CONSTRUCTIVE PETITION FOR EXTENSION OF TIME AND FEE
AUTHORIZATION PURSUANT TO 37 C.F.R. §1.136(a)(3)**

Applicant hereby requests that the United States Patent and Trademark Office treat any concurrent or future reply requiring a petition for an extension of time pursuant to §1.136 for its timely submission as incorporating therein a petition for an extension of time for the appropriate length of time.

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 14, 2005

By: _____

Richard A. Arrett

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